

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MERCHANTS MUTUAL INSURANCE :
COMPANY & WALTER B. GALLAGHER:
COMPANY n/k/a GALLAGHER FLUID : CIVIL ACTION

Plaintiffs

v.

NORFOLK & DEDHAM MUTUAL FIRE :
INSURANCE COMPANY,

Defendant

NO. 02-CV-3635

JOINT MOTION FOR AN EXTENSION OF TIME

AND NOW, Merchants Mutual Insurance Company & Walter B. Gallagher Company, n/k/a Gallagher Fluid Seals, Inc., Plaintiffs, and in cooperation with the Defendant, Norfolk & Dedham Mutual Fire Insurance Company, (jointly referred to as the "parties"), move for an extension of time.

1. The Plaintiffs, Merchants Mutual Insurance Company & Walter B. Gallagher Company, n/k/a Gallagher Fluid Seals, Inc., (Plaintiffs") filed a Complaint in the above-referenced matter on or about June 6, 2002.

2. The Defendant, Norfolk & Dedham Mutual Fire Insurance Company, ("Defendant") responded to the Plaintiffs' Complaint and the pleadings are now closed.

3. This Honorable Court scheduled and held a Case Management Conference, and on September 25, 2002 set forth a Scheduling Order, which ordered:

- (A). Parties are required to comply with requirements of self-executing disclosure by October 9, 2002;
- (B). Parties shall file any amended pleadings by October 9, 2002;
- (C). **All discovery shall be completed by March 25, 2003;**
- (D). Motions for Summary Judgment shall be filed by April 25, 2003;

- (E). Pre-trial memoranda and supporting documentation shall be filed by May 15, 2003; and
- (F). The case shall be placed in the May 25, 2003 trial pool.

4. In an effort to resolve the instant matter amicably, the parties participated in a Mediation in November, 2002.

5. On January 14, 2003, the Plaintiffs noticed the deposition of Joseph Haswell, Casualty Claims Manager for Norfolk & Dedham Mutual Fire Insurance Company, with the deposition to take place on February 5, 2003.

6. Immediately prior to Mr. Haswell's deposition, on February 4, 2003, the parties reached a tentative agreement with several, yet minor, issues to be resolved.

7. Mr. Haswell's deposition scheduled for February 5, 2003 was continued, by agreement of all parties, due to the tentative agreement previously reached.

8. On February 27, 2003, the parties conducted further negotiations and strengthened the previously reached tentative agreement.

9. The parties continue to seek an amicable resolution to the instant matter and are confident such an agreement may be reached.

10. The parties' resolution efforts were recently delayed by the successful resolution of an asbestos case on trial in the Philadelphia Court of Common Pleas. The parties used the current proposal for settlement as a guide and successfully shared the cost of the settlement. The parties can now devote their attention to forwarding settlement in the instant matter.

11. With a potential resolution between the parties, the Plaintiffs, Merchants Mutual Insurance Company & Walter B. Gallagher Company, n/k/a Gallagher Fluid Seals, Inc., with complete concurrence of the Defendant, Norfolk & Dedham Mutual Fire Insurance Company, respectfully requests that this Honorable Court extend all dates/deadlines contained within the September 25, 2002 Scheduling Order by an additional ninety (90) days, including but not limited to, the March 25, 2003 discovery deadline.

12. The additional time will allow the parties to continue and possibly conclude their negotiations and potentially settle the above-referenced matter.

13. The parties further agree to report the status of the settlement discussions to the Court within the next ninety (90) days, and/or agree to promptly report any settlement of the instant matter.

MARSHALL, DENNEHEY, WARNER,
COLEMAN AND GOGGIN

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